

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERON HANSON,

Defendant.

CASE NO. CR09-290 MJP

ORDER ON MOTION TO RESCIND  
ORDER DENYING REDUCTION IN  
SENTENCE PURSUANT TO 18  
U.S.C. § 3582

THIS MATTER comes before the Court on Defendant Jeron Hanson's Motion Requesting District Court to Rescind its Order Denying Defendant's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582 and Motion for Leave to File a Traverse to Government's Response in Opposition to Reduce Sentence Pursuant to 18 U.S.C. § 3582 and Defendant's Motion to Dismiss Government's Response to those motions. (Dkt. Nos. 34, 36.) Having reviewed the parties' briefing and all related papers, the Court hereby DENIES the motions.

Defendant ask the Court to "rescind" or reconsider its Order denying a reduction in sentence, which was based on the policy statement of the Sentencing Commission precluding any reduction in sentence where the previous sentence was below the low end of the new

1 Sentencing Guidelines Range. (See Order, Dkt. No. 33.) Defendant argues his original  
2 sentencing range was misstated and so the policy statement does not preclude a reduction of his  
3 sentence. Defendant is incorrect; the Court calculated his Offense Level as 31, not 29. The  
4 Motion to Rescind is therefore DENIED. Because the Court fully considered the arguments  
5 contained within the section Defendant labeled the “traverse” or reply, the Court considers  
6 Defendant’s Motion for leave to file such a traverse MOOT.

7 Defendant’s request to dismiss or strike the Government’s response to his Motion to  
8 Rescind on the basis that he is entitled to file a reply or traverse in support of his Motion to  
9 Rescind is DENIED. The Court invited the Government to file a response but did not require a  
10 reply from Defendant because the issues were straightforward and there is no due process right  
11 to file a reply in support of a postjudgment motion for reconsideration.

12  
13 The clerk is ordered to provide copies of this order to Defendant and all counsel.

14 Dated this 6th day of August, 2015.

15  
16  
17 

18 Marsha J. Pechman  
19 Chief United States District Judge  
20  
21  
22  
23  
24